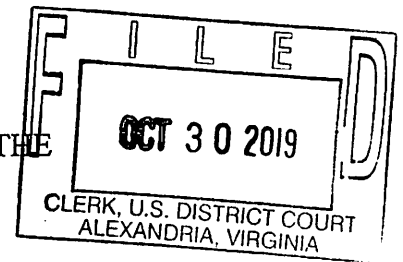


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)

v.)

JASON E. HOLMES,)

Defendant.)

Case No. 1:19-MJ-463

FILED UNDER SEAL

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Raymond Abruzzese, a Special Agent with Homeland Security Investigations being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") since in or around March 2003, and am currently assigned to Child Exploitation Unit in Dulles, Virginia. While employed by HSI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography as well as commercial fraud and immigration fraud. I have gained experience through everyday work relating to conducting these types of investigations. I also have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) including computer media. Due to my experience and training, I can identify child pornography when I see it. Moreover, I am a federal law enforcement officer who enforces federal

criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request a search warrant.

2. This affidavit is made in support of a criminal complaint and arrest warrant charging JASON E. HOLMES ("HOLMES") with a violation of 18 U.S.C. § 2252(a)(2) and (b)(1) (receipt of child pornography). For the reasons set forth below, I submit that probable cause exists to believe that, between at least about January 2018 and about April 2018, HOLMES knowingly received child pornography in Leesburg, Virginia, which is within the Eastern District of Virginia.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

STATUTORY AUTHORITY AND DEFINITIONS

4. Title 18, U.S. Code, Section 2252(a)(2), prohibits the knowing distribution and receipt of any visual depiction of minors engaging in sexually explicit conduct using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer. For purposes of this affidavit, "visual depiction[s] of minors engaging in sexually explicit conduct," will be referred to as "child pornography."

5. The term "minor," as defined in 18 U.S.C. § 2256(1), means any person under the age of 18 years.

6. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i)–(v), means actual or simulated: (a) sexual intercourse, including genital-genital, oral-genital, anal genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

7. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format

SUMMARY OF PROBABLE CAUSE

I. Background on the Investigation

8. In March 2012, HSI Phoenix initiated an investigation into a password-protected website from which users can purchase child pornography. To access the website, a user needs to have a valid username and password. Once a user logs in, the website displays the names of folders available for purchase and users can preview “samples” of the images or videos contained within those folders prior to purchase. The user can access the full set of images or videos contained within the folders by purchasing a password that allows the user to download the entire set of images or videos from an archive file folder.

9. Through the investigation, HSI agents have previewed over 100 samples from folders available on this website and determined that most of the samples depict child pornography. HSI agents have also made multiple undercover purchases from the website and accessed the content contained within the associated archive file folders. These undercover purchases revealed that the samples that can be accessed prior to purchase correspond to the full sets of images and

videos contained in the archive file folders and that the majority of these images and videos also depict child pornography.

10. Records obtained pursuant to legal process from the payment processor that facilitated some of these purchases revealed that an individual by the name of Jason HOLMES, using the email address "j.holmes@j-47.com" and an address in Leesburg, Virginia, made multiple purchases from the website in 2017. Undercover HSI agents viewed the samples from several of the file folders that HOLMES paid to access and determined that these samples depict child pornography.

11. Law enforcement then conducted a check of publicly available databases as well as surveillance, both of which revealed that the above-mentioned address in Leesburg, Virginia, which is within the Eastern District of Virginia, is the location of HOLMES's residence.

II. Search of HOLMES's Residence

12. On or about June 1, 2018, the United States District Court for the Eastern District of Virginia issued a federal warrant to search HOLMES's residence in Leesburg, Virginia, for child-pornography-related evidence. HSI agents and other law enforcement officers executed the warrant on or about June 5, 2018. HOLMES was the only person present in the residence at the time of execution and law enforcement's search revealed that he lived there alone.

13. During the search, HOLMES agreed to speak to two law enforcement officers. HOLMES was advised that he was not under arrest and that he was free to leave. HOLMES confirmed for law enforcement that he was the only person who lived at the residence and also admitted to purchasing and downloading child pornography from the internet. HOLMES defined child pornography as sexual nudity involving underage children and said that he was most interested in child pornography depicting children between the ages of nine and 12 years old.

14. In HOLMES's residence, law enforcement discovered approximately two dozen pieces of paper that each depicted what appeared to be a portion of a larger image, similar to a piece of a puzzle. When assembled, the pieces of paper depict two enlarged images. The first is a partial enlarged image of what appears to be a prepubescent girl wearing underwear and posing provocatively. The second is a complete enlarged image of what appears to be a nude, prepubescent girl who is posing in a manner that exposes her vagina. When asked about these images, HOLMES told law enforcement that he printed out enlarged images of particular prepubescent children from a frequently traded series of child pornography, mounted the pieces of paper that made up the enlarged images to stand-up foam-board cutouts, and placed the cutouts around his residence. HOLMES stated that he then masturbated to the cutouts.

15. Pursuant to the warrant, law enforcement seized several electronic devices from HOLMES's residence, including but not limited to an Apple Mac Mini with a 1 TB HGST hard drive ("MAC MINI 1") and an Apple Mac Mini with a 2 TB Seagate hard drive ("MAC MINI 2").

III. Forensic Examination of HOLMES's Devices

16. Law enforcement personnel then conducted a forensic examination of the electronic devices seized from HOLMES's residence. The examination uncovered tens of thousands of images and videos of child pornography, as well as evidence establishing that HOLMES received child pornography using the Freenet peer-to-peer ("P2P") file-sharing program from about January 2018 to April 2018.

17. Specifically, the examination of MAC MINI 1 revealed that the device has one account under the username "Jason Holmes" and that personal and professional documents belonging to HOLMES are saved on the device. Similarly, the examination of MAC MINI 2 revealed that the device has a password-protected account under the username "Jason Holmes"

and that personal and professional documents belonging to HOLMES are saved on the device. Additionally, the system preferences on MAC MINI 1 have been configured to share files with other computer devices connected to the same network.

18. In addition, the Freenet P2P file-sharing program has been installed on MAC MINI 1. Based on my training and experience, I know that P2P file sharing is a method of communication available to internet users through the use of special software programs or clients. P2P file-sharing programs allow groups of computer users using the same file-sharing network and protocols to transfer digital files from one computer system to another while connected to an online network. One such type of online P2P network is called Freenet, which allows users to anonymously share files, chat on message boards, and access websites within the network. In order to access the Freenet network, a user must first download and install the Freenet software, which is free and publicly available online.

19. The examination of MAC MINI 1 revealed that the application containing the Freenet software was created on the device on or about March 8, 2017. Internet browser history recovered from MAC MINI 1 shows that the user of the device set up the Freenet software on or about January 27, 2018, and used Freenet from about January 2018 to about April 2018 to access Freenet websites and download content with titles indicative of child pornography. Additionally, the user of MAC MINI 1 bookmarked pages to several Freenet websites, including pages to two websites that appear to be dedicated to trafficking in child pornography.

20. The Freenet program's file-sharing settings on MAC MINI 1 have been configured so that content downloaded to MAC MINI 1 using Freenet can be saved to a "downloads" folder located within the "Freenet" application folder on the device. An examination of this "downloads" folder within the "Freenet" application folder on MAC MINI 1 uncovered hundreds of images and

videos depicting child pornography and child erotica with creation dates ranging from February 2018 to April 2018. These images and videos include:

a. An approximately 22-minute video titled “X Pthc – Daddy’s Girl [redacted] 12yo – Juicy Fruit !!!NEW!!! 2007.wmv” that is a compilation of various images and videos of what appears to be a minor girl and of what appears to be an adult male engaging in oral and vaginal sex with the same minor girl;

b. An image titled “Baby [redacted] fucks and swallows (more resolution!!).jpeg” that is a storyboard consisting of 20 still images from a video that appears to depict an adult male pressing his erect penis against the anus of an approximately two-year-old child and then inserting his penis into and ejaculating in the child’s mouth;¹ and

c. An image titled “pthc-suckdick-19.jpeg” that is a storyboard consisting of 20 still images from a video that appears to depict an adult male inserting his erect penis into the mouth of an approximately four- to six-year-old girl.

21. Additionally, while the Freenet software was not installed on MAC MINI 2, a folder titled “Freenet” was located in a folder titled “_transfer” within the “Downloads” folder of MAC MINI 2. The “Freenet” folder on MAC MINI 2 contains hundreds of images and videos depicting child pornography and child erotica with creation dates ranging from January 2018 to April 2018, including an approximately eight-minute-and-42-second video titled “10Yo Straight Sex New 0607 – 8m42s.mp4” that depicts what appears to be an adult male engaged in vaginal intercourse with a prepubescent girl.

¹ The full titles of the files described in Paragraphs 20(a) and 20(b) are known to law enforcement but are redacted here out of an abundance of caution because they contain what may be references to the names of the minor victims. See 18 U.S.C. § 3509.

Additional Forensic Artifacts from MAC MINI 1 and MAC MINI 2

22. Forensic evidence recovered from MAC MINI 1 and MAC MINI 2 indicates that HOLMES also used the devices to view and download child pornography via The Onion Router (“Tor”) hidden service.² The user of MAC MINI 1 began using the Tor browser on the device in about January 2018. From January to March 2018, the user of MAC MINI 1 bookmarked pages from child-pornography websites on the Tor network, including a page titled in part “The definitive guide on how to stay safe from police forensics teams 2018 update 3/4.” Similarly, the user of MAC MINI 2 began using the Tor browser on the device in about March 2018. From about March to June 2018, the user of MAC MINI 2 bookmarked pages from child-pornography websites on the Tor network, including a page containing the phrase “8yo Brazilian Prostitute” in its title. Additionally, a folder with a title associated with one of these Tor child-pornography website was discovered in the “_transfer” folder within the “Downloads” folder of MAC MINI 2. Inside this folder are hundreds of images and videos depicting child pornography, many of which have creation dates ranging between February and June 2018 and have titles that either match or contain significant similarities to child-pornography website pages that the user of MAC MINI 1 and MAC MINI 2 bookmarked on the Tor browser.

23. Additionally, forensic evidence recovered from MAC MINI 1 indicates that HOLMES used the device to create the “j.holmes@j-47.com” email account referenced above in Paragraph 10, and that HOLMES then used that email address to exchange emails with another

² Based on my training and experience, I know that Tor, also known as The Onion Router, is a publicly available computer network designed to facilitate anonymous communication over the network by routing a user’s communications through a globally distributed network of relay computers, or proxies, which renders the conventional IP-address-based methods of identifying Internet users ineffective. The web addresses for websites hosted on the Tor network end in “.onion”—as opposed to, for example, “.com”—and can only be accessed through the Tor browser.

individual regarding Tor. Specifically, on or about February 18, 2018, the user of the “j.holmes@j-47.com” account sent this individual an email stating “You received 0.02 BTC from me 24 hrs ago My account has still not been activated. . . . Please activate my account or refund BTC.”³ In response, the individual sent an email stating “register a new account” and provided a link to a Tor website. The user of the “j.holmes@j-47.com” account then asked “What do I do now to get access to your site?” and the individual responded “Register! Enter! Download photos and videos!” The linked Tor website that the individual sent to the “j.holmes@j-47.com” account is known by law enforcement to be dedicated to trafficking in child pornography. Multiple pages from this Tor website were bookmarked on the Tor browser on MAC MINI 1 and MAC MINI 2.

24. Internet browsing and download history recovered from MAC MINI 1 and MAC MINI 2 similarly indicates that HOLMES used these devices to access the website referenced above in Paragraph 8 and other websites to view, purchase, and download child pornography between about October 2016 and July 2017. For example, the download history associated with the Firefox web browser on MAC MINI 1 establishes that on or about June 5, 2017, the user of the device visited a website, downloaded a file titled “Thai Sis-1.mp4” and saved it in a folder titled “_transfer” within the “Downloads” folder on MAC MINI 1. Located on MAC MINI 2 in the same location within the “_transfer” folder within the “Downloads” folder of the device is a video titled “Thai Sis-1.mp4.” This video on MAC MINI 2 was created the same date that it was downloaded using MAC MINI 1 and depicts what appears to be two minor girls engaged in oral sex.

³ Based on my training and experience, I know that BTC refers to Bitcoin, which is a type of virtual currency circulated over the Internet.

CONCLUSION


25. For the reasons stated, I respectfully submit that there is probable cause to believe that, between at least about January 2018 to about April 2018, in the Eastern District of Virginia, JASON E. HOLMES knowingly received child pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1). Therefore, I respectfully request that a criminal complaint and arrest warrant be issued for HOLMES.

Respectfully submitted,



Raymond Abruzzese, Special Agent
Homeland Security Investigations

Subscribed to and sworn before me
this 30th day of October 2019



Ivan D. Davis
United States Magistrate Judge